

188566

STATE OF SOUTH CAROLINA

(Caption of Case)

In re:

Application of Palmetto State Utility Services, Inc.
For Certificate of Public Convenience and Necessity
to provide Water and Sewerage Services

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2007- 356 W/S

(Please type or print)

Submitted by: Marcus A. Manos

SC Bar Number: 011876

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Other:

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

☐ Electric

☐ Affidavit

☒ Letter

☐ Request

☐ Electric/Gas

☐ Agreement

☐ Memorandum

☐ Request for Certification

☐ Electric/Telecommunications

☐ Answer

☒ Motion

☐ Request for Investigation

☐ Electric/Water

☐ Appellate Review

☐ Objection

☐ Resale Agreement

☐ Electric/Water/Telecom.

☐ Application

☐ Petition

☐ Resale Amendment

☐ Electric/Water/Sewer

☐ Brief

☐ Petition for Reconsideration

☐ Reservation Letter

☐ Gas

☐ Certificate

☐ Petition for Rulemaking

☐ Response

☐ Railroad

☐ Comments

☐ Petition for Rule to Show Cause

☐ Response to Discovery

☐ Sewer

☐ Complaint

☐ Petition to Intervene

☐ Return to Petition

☐ Telecommunications

☐ Consent Order

☐ Petition to Intervene Out of Time

☐ Stipulation

☐ Transportation

☐ Discovery

☐ Prefiled Testimony

☐ Subpoena

☐ Water

☒ Exhibit

☐ Promotion

☐ Tariff

☒ Water/Sewer

☐ Expedited Consideration

☐ Proposed Order

☐ Other:

☐ Administrative Matter

☐ Interconnection Agreement

☐ Protest

☐ Other:

☐ Interconnection Amendment

☐ Publisher's Affidavit

☐ Late-Filed Exhibit

☐ Report

RECEIVED

SEP 28 2007

PSC SC
MAIL / DMS

Marcus A. Manos
Member
Admitted in SC, NC, DC

September 28, 2007

VIA HAND DELIVERY

Charles L.A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
Synergy Office Park
101 Executive Center Drive
Columbia, South Carolina 29211

**Re: Application of Palmetto State Utility Services, Inc. for
Certificate of Public Convenience and Necessity**

Dear Mr. Terreni:

Enclosed please find an original and eleven copies of the Motion Of Palmetto State Utility Services, Inc. For Protective Order And Confidential Treatment of its contract with the United States of America regarding the water distribution and wastewater collection services for Fort Jackson. I am also enclosing a copy of the contract sealed in an envelope marked "Confidential." Please return a clocked-in copy of the Motion to us in the enclosed postage-paid envelope enclosed.

As indicated in the Certificate Of Service, I have served a copy of the Motion on the Office of Regulatory Staff via electronic mail and hand-delivery.

Thank you for your assistance with this matter.

With best regards, I am

Very truly yours,



Marcus A. Manos

MAM/hjr
Enclosure
cc w/encl.: Office of Regulatory Staff

RECEIVED

9/28/07

MAILED
9/28/07

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

Docket No. 2007-356 w/s

S. C. Code Regs.
2007 SEP 20 PM 2:33
FILED

IN RE:)	
)	
Application of Palmetto State Utility)	MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT
Services, Inc. For Certificate of Public)	
Convenience and Necessity)	

On September 27, 2007, Applicant Palmetto State Utility Services, Inc. ("Palmetto Utility") filed an Application for Certificate of Public Convenience and Necessity to provide water distribution and wastewater collection services to the United States government in the territory defined by the limits of Fort Jackson near Columbia, South Carolina. As part of that Application, Palmetto Utility submits to the Commission its contract with the United States for the Commission's consideration. Palmetto Utility moves the Commission for an order protecting and keeping confidential the terms of that contract which was filed under seal with the Commission pursuant to S.C. Code Regs. 103-840 and S.C.R. Civ. P. Rules 7 and 26(c).

Palmetto Utility moves for the protective order maintaining confidentiality on the following grounds:

1. The terms of the contract, other than price and scope of work, are not available to the general public;
2. The terms of the contract, other than price and scope of work, will provide information to competitors of Palmetto Utility which could give them a competitive advantage on bidding for government contracts in the future;

3. The terms of the contract, other than price and scope of work, would provide no information to the public which would be useful in evaluating the application of Palmetto Utility with the Commission.

This Commission determines whether the Application is in the public interest and the best interest of the customers of the water and sewer system. The release of the terms of the contract would not further this inquiry. Instead, release of this information would disadvantage Palmetto Utility in future government bids and provide competitors with vital, confidential information.

The terms of the contract reveal confidential and proprietary information of Palmetto Utility on how it manages and handles water distribution and wastewater collection services for government entities. This competitive information would give an advantage to competitors and qualifies for the broad definition of a trade secret under the Freedom of Information Act. S.C. Code Ann. §30-4-40(a)(1). Pursuant to that portion of the Freedom of Information Act, the Commission may exempt this competitive information from public disclosure. Should the Commission find the information contained in the contract necessary for its evaluation of the Application, the Commission would have a sealed copy available for its use.

For these reasons, Palmetto Utility requests that the Commission enter its order of confidentiality protecting the terms and conditions of the contract filed under seal with this Motion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marcus A. Manos", written over a horizontal line.

Marcus A. Manos
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202
Phone: (803) 253-8275
Facsimile: (803) 727-1467
MManos@nexsenpruet.com

Attorney for Palmetto State Utility Services

Columbia, South Carolina

September 28, 2007.

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

Docket No. _____

IN RE:)
)
Application of Palmetto State Utility)
Services, Inc. For Certificate of Public)
Convenience and Necessity)

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the **Motion Of Palmetto State Utility Services, Inc. For Protective Order And Confidential Treatment** has been served upon the below named via hand-delivery and electronic mail, on the 28th day of September, 2007, address as follows:

OFFICE OF REGULATORY STAFF
1441 Main Street, Suite 300
Columbia, South Carolina 29201



NEXSEN PRUET, LLC

Columbia, South Carolina